IN THE HIGH COURT OF UTTARKHAND AT NAINITAL.

Writ Petition No. 6008(S/S)2001
(Old no. 7412 of 1991)

Bharat Singh S/o Sri Man Singh,
Resident of village Makrandpur, Post Bilari,
District Moradabad. -------Petitioner.

Vs.

Superintendent of Police,
Pauri Garhwal. --------Respondents.

Sri Jintendra Chaudhary, learned counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for the respondent.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Jitendra Chaudhary, learned Counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the order of Superintendent of Police, Pauri Garhwal dated 03.01.1991 (annexure-2 to the writ petition),
ii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,
iii. To award cost of the petition in favour of the petitioner.

By the impugned order dated 3rd January 1991 passed by the Superintendent of Police, Pauri Garhwal, the petitioner, who was recruited as Constable and was on probation, was terminated from service.

Perusal of the record reveals that the petitioner was terminated from service on the ground that he submitted false affidavit before the respondent alongwith his recruitment form. In para-4,5,6 & 7 of the affidavit , the petitioner/ deponent has stated, on oath as under:-

4-^^;g fd esjs fo:) dksbZ vijkf/kd eqdnek@ekeyk gLr{ksih; vFkok vgLr{ksih; esjh tkudkjh esa u dHkh iathd`r gqvk gS vkSj ugha dHkh fdlh ,sls vkijkf/kd ekeys esa iqfyl us pkyku fd;k gS rFkk ugha esjs fo:) dksbZ iqfyl foospuk ¼iqfyl½ ¼bUosLVhxs'ku½ yfEcr gS A

5- ;g fd dHkh Hkh eq>s vkijkf/kd ekeys ¼ gLr{ksih; vFkok vgLr{ksih;½ esa fxj~Q~rkj ugha fd;k gS vkSj ugh eSaus dHkh fdlh ,sls vijkf/kd ekeys esa U;k;ky; esa vkReleiZ.k fd;k gSA

6- ;g fd vkijkf/kd ekeys tks esjs fo:) iathd`r gq, gSa ;k ftuesa esjk pkyku fd;k x;k Fkk tks esjs fo:) iathd`r gq, gSa ;k ftuesa esjk pkyku fd;k x;k Fkk tks esjs fo:) iathd`r gq, gSa ;k ftuesa esjk pkyku fd;k x;k Fkk tks esjs fo:) fopkjk/khu U;k;ky; vFkok foospuk/khu iqfyl gks mudk fooj.k fuEuor~ gS A ;fn lwpuk 'kwU; gks rks 'kwU; 'kCn vafdr fd;k tk;sA

7- ;g fd vkijkf/kd ekeys tks esjs fo:) U;k;ky; esa pys vkSj ftuesa naf.Mr gqvk@nks"keqDr @fMLpktZ gqvk mudk fooj.k fuEuor~ gS A ;fn lqpuk gks rks 'kwU; 'kCn vafdr fd;k tk;s A ¼nks"keqDr gqvk½**

The aforesaid contentions of the affidavit clearly indicate that the petitioner did not disclose either he ever been involved in any criminal case. After termination of his service, the petitioner moved application to the Director General of Police on 02.04.1991, wherein he stated that he was involved in case crime no. 100 of 1988, 504, 506 I.P.C. Police Station Bilari, District Moradabad however, he was acquitted by the Addl. Chief Judicial Magistrate, Moradabad in the aforesaid case on 05.10.1990. These obvious facts clearly point out the bad intention of the petitioner by which he concealed the material facts at the time of his recruitment that he was never involved in any criminal case.

It is well settled principle of law that in case any police official is recruited in service by concealing the material facts or has given false affidavit, he is not required to issue any show cause notice and he is also not entitled to be retained in service.

I do not find any infirmity or illegality in the order dated 3rd January 1991 passed by the Superintendent of Police, Pauri Garhwal. The petition lacks merit and is liable to be dismissed.

The writ petition is, thus, dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

May, 8, 2007:
NCM: